

## Summary

**Summary record of the Anti-Dumping Review Panel (ADRP) Conference with the Anti-Dumping Commission (ADC) held under Section 269ZZHA of the Customs Act 1901 (Customs Act) in relation to the Review regarding Prepared or Preserved Tomatoes exported from Italy by Feger di Gerardo Ferraioli S.p.A. (Feger) and La Doria S.p.A (La Doria)**

Date: 4 November 2016

Teleconference call commenced at 10h05

Participants: Leora Blumberg (Chair, ADRP Reviewing Member); Rhys Piper (ADC) and Patrick Quiggin (ADC)

### Summary

1. The Reviewing Member opened the conference call and participants introduced themselves.
2. The Reviewing Member advised that she requested a conference with the ADC to seek clarification on Feger's ground of review relating to the rejection of various adjustments by the ADC, particularly the adjustments relating to advertising expenses and quality control expenses.
3. Firstly, the Reviewing Member requested clarification on a confidential document that the ADC had provided to the ADRP, being the Confidential Visit Report of Feger in Investigation No. 276, which was at odds with the public version of the document that was on the website, in regard to the conclusion reached on both the adjustments requested for advertising costs and quality control costs. The ADC checked its version of the document and confirmed that it matched the public version. The ADC suggested that the version that had been provided to the ADRP might not have been the final version, and agreed to check and ensure that the final version of the document has been provided.
4. The Reviewing Member referred to the ADC's statement in Section 6.4 of the Reinvestigation Report, that the ADC considers, "*the evidence that Feger provided in relation to advertising and quality control costs in the context of REP 217 is specific and relevant only to that investigation and the particular period and circumstances relating to that investigation*" and requested clarification on how the two investigations (217 and 276) differed in this regard, leading to different conclusions.
5. The Reviewing Member requested confirmation of Feger's claim that allocation by turnover was accepted by the ADC for other adjustments (such as year-end rebates and commissions). The ADC confirmed this, and explained that this allocation method was reasonable for an adjustment such as rebates where there is a direct nexus between the payment for the goods and the adjustment. As advertising and quality control costs are not directly linked to that turnover, applying adjustments using the same basis would not be accepted by the ADC.

6. The Reviewing Member requested clarification on the “inputs” worksheets provided by the ADC, referred to in Section 6.7 of the Reinvestigation Report, relating to the consequential impacts on the dumping margin calculations. The ADC explained how the spreadsheet worked and how to recalculate the dumping margin for Feger if the ADRP did not accept any of the findings in the Reinvestigation Report relating to Feger’s dumping margin.
7. The Reviewing Member advised that the conference related to parties’ confidential information and that a non-confidential summary would be published on the ADRP website.